



Order Filed on March 1, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

McCABE, WEISBERG & CONWAY, LLC

By: Andrew M. Lubin, Esq. (Atty.

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Westmont, NJ 08108

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Attorneys for Movant: Navy Federal Credit
Union

IN re:

Richard An Tran Nguyen
Debtor

Case No.: 23-13081-ABA

Chapter: 13

Hearing Date: February 6, 2024
at 10:00 a.m.

Judge: Andrew B. Altenburg Jr.

Recommended Local Form



Followed



Modified

**ORDER RESOLVING MOTION TO VACATE STAY
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**

DATED: March 1, 2024

A handwritten signature in black ink, appearing to read "ABJ", is written over a horizontal line.

Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

Applicant: Navy Federal Credit Union
Applicant's Counsel: Andrew M. Lubin, Esq.
Property Involved ("Collateral") 771 East Broad Street, Gibbstown, New Jersey 08027

Relief Sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay
against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that the Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ Debtor brought the account current through February 2024, during the pendency of the Motion.

Total Arrearages Due: \$0.00

2. Debtor must cure all post-petition arrearages, as follows:

☒ Beginning on March 1, 2024, regular monthly mortgage payment shall continue to be made in the amount of \$2,145.58.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment: Navy Federal Credit Union
P.O. Box 3302
Merrifield, VA 22119-3302
☒ Regular monthly payment: Same as above
☐ Monthly cure payment: Same as above

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. In the event the Debtor converts his/her case to a Chapter 11, the terms of the Order shall remain in full force and effect. In the event that the Debtor converts his/her case to a Chapter

7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of conversion. Failure to cure the arrears shall constitute an event of default under this Order and Movant may certify default as set forth in paragraph 4 of this order.

6. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$500.00 and costs of \$199.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

In re:
Richard An Tran Nguyen
Debtor

Case No. 23-13081-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1
Date Rcvd: Mar 01, 2024

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 03, 2024:

Recip ID	Recipient Name and Address
db	Richard An Tran Nguyen, 771 E Broad St, Gibbstown, NJ 08027-1141

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 03, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 1, 2024 at the address(es) listed below:

Name	Email Address
Andrew B Finberg	ecfmail@standingtrustee.com
Andrew M. Lubin	on behalf of Creditor Navy Federal Credit Union nj-ecfmail@mw-c-law.com alubin@milsteadlaw.com
Marisa Myers Cohen	on behalf of Creditor Navy Federal Credit Union nj-ecfmail@mw-c-law.com jhillier@mw-c-law.com
Michael I. Assad	on behalf of Debtor Richard An Tran Nguyen help@cibiklaw.com noreply01@cibiklaw.com;noreply02@cibiklaw.com;noreply03@cibiklaw.com;noreply04@cibiklaw.com;noreply05@cibiklaw.com; m;cibiklawpc@jubileebk.net;cibiklaw@recap.email;ecf@casedriver.com
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5